

December 5, 2016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X

NASTASI & ASSOCIATES,

Plaintiff,

-against-

ANTHONY GERRATO,

Defendant.

Index No. 606086/2015

-----X

100 Supreme Court Drive
Nassau, New York

December 5, 2016

10:15 a.m.

EXAMINATION BEFORE TRIAL of ANTHONY NASTASI,
the Plaintiff in the above-entitled action, held
at the above time and place, taken before Denice
De Rosa-Malone, a Stenotype Reporter and Notary
Public of the State of New York, pursuant to Court
Order and stipulations between counsel.

Page 2
December 5, 2016

1

2 A P P E A R A N C E S :

3

4 LAW OFFICE OF MICHAEL A. KOFSKY, P.L.L.C.

5 Attorneys for Plaintiff

6 One Old Country Road, Suite 347

7 Carle Place, New York 11514

8

9 BY: MICHAEL A. KOFSKY, ESQ.

10

11

12

13 MICHAEL FX RYAN, ESQ.

14 Attorneys for Defendant

15 3005 East Main Street

16 Cortland Manor, New York 10567

17

18

19

20

21

22

23

24

25

BY: JEFFREY RIZZO, ESQ.

Page 3
December 5, 2016

1

2 STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED by and
4 between (among) counsel for the respective parties
5 hereto, that;

6

7 All rights provided by the C.P.L.R.,
8 including the right to object to any question,
9 except as to form, or to move to strike any
10 testimony at this (these) examination(s), are
11 reserved, and, in addition, the failure to object
12 to any question or to move to strike any testimony
13 at this (these) examination(s) shall not be a bar
14 or waiver to make such motion at, and is reserved
15 for the trial of this action;

16

17 IT IS FURTHER STIPULATED AND AGREED by and
18 between (among) counsel for the respective parties
19 hereto, that this (these) examination(s) may be
20 sworn to by the witness(es) being examined, before
21 a Notary Public other than the Notary Public
22 before whom this (these) examination(s) was (were)
23 begun; but the failure to do so, or to return the
24 original of this (these) examination(s) to
25 counsel, shall not be deemed a waiver of the

Page 4
December 5, 2016

1

2 rights provided by Rules 3116 and 3117 of the
3 C.P.L.R., and shall be controlled thereby;

4

5 IT IS FURTHER STIPULATED AND AGREED by and
6 between (among) counsel for the respective parties
7 hereto, that this (these) examination(s) may be
8 utilized for all purposes as provided by the
9 C.P.L.R.;

10

11 IT IS FURTHER STIPULATED AND AGREED by and
12 between (among) counsel for the respective parties
13 hereto, that the filing and certification of the
14 original of this (these) examination(s) shall be
15 and the same hereby are waived;

16

17 IT IS FURTHER STIPULATED AND AGREED by and
18 between (among) counsel for the respective parties
19 hereto, that all rights provided by the C.P.L.R.,
20 and Part 221 of the Uniform Rules for the Conduct
21 of Depositions, including the right to object to
22 any question, except as to form, or to move to
23 strike any testimony at this examination is
24 reserved; and in addition, the failure to object
25 to any question or to move to strike any testimony

Page 5
December 5, 2016

1

2 at this examination shall not be a bar or waiver
3 to make such motion at, and is reserved to, the
4 trial of this action;

5

6 IT IS FURTHER STIPULATED AND AGREED by and
7 between (among) counsel for the respective parties
8 hereto, that a copy of the within examination(s)
9 shall be furnished to counsel representing the
10 witness(es) testifying, without charge.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 6
December 5, 2016

1

2 A N T H O N Y N A S T A S I, the Plaintiff
3 herein, having first been duly sworn by Denice
4 De Rosa-Malone, a Notary Public herein, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. RIZZO:

8 THE COURT REPORTER: Would
9 you, please, state your full name
10 for the record.

11 THE WITNESS: Anthony Nastasi.

12 THE COURT REPORTER: Would
13 you, please, state your current
14 address for the record.

15 THE WITNESS: 6120 Northern
16 Boulevard, East Norwich, New York
17 11732.

18 MR. RIZZO: Mr. Nastasi, my
19 name is Jeffery Rizzo. I am an
20 attorney from Michael FX Ryan and
21 Associates, who's representing
22 Anthony Gerrato in a claim that
23 you're bringing against him. I'm
24 going to ask you questions
25 regarding that claim. I'm going to

Page 7
December 5, 2016

1 Nastasi
2 ask that you keep all of your
3 answers verbal. The court reporter
4 can't take down nods of the head,
5 hands gestures, thing of that type.
6 I'm also going to ask if there are
7 any questions that I ask you that
8 you don't understand, please let me
9 know and I will be happy to
10 rephrase the question for you. If
11 you answer the question, I'm going
12 to assume that you understood the
13 question. If at any time you need
14 a break, let me know and as long as
15 there's no pending question, you
16 could take the break.

17 THE WITNESS: Sure.

18 Q. What is your position with Nastasi
19 and Associates? Are you an officer?

20 A. I am.

21 Q. Do you have any other title other
22 than officer?

23 A. President.

24 Q. Are there any other officers of the
25 corporation?

1 Nastasi

2 A. No.

3 Q. What is the address for Nastasi and

4 Associates?

5 A. P.O. Box 1316, Syosset, New York

6 11791.

7 Q. Are there any other employees of

8 Nastasi and Associates?

9 A. No.

0 Q. One other instruction. There are

1 going to be questions that I'm going to ask and

2 you're going to know where I'm going. Just let

3 me finish the question before you start to

4 answer. It makes it easier for the court

5 reporter.

6 A. Okay.

7 Q. How long has Nastasi and Associates

8 been in existence?

9 A. Since 1993.

0 Q. What type of business is it?

1 A. It was a construction business.

2 Q. Is it involved in any other sort of

3 business?

4 A. No.

5 Q. How many employees does Nastasi and

Page 9
December 5, 2016

1 Nastasi
2 Associates have?
3 A. Zero.
4 Q. What type of construction work do
5 they do?
6 A. They did carpentry work.
7 Q. Are they no longer in existence?
8 A. They have ceased operations.
9 Q. At one point did they have other
10 employees?
11 A. Yes.
12 Q. How many employees did you have?
13 A. Approximately, seven hundred.
14 Q. Why did Nastasi and Associates
15 cease existence?
16 MR. KOFSKY: Objection as to
17 relevancy.
18 A. Repeat that.
19 Q. Why does Nastasi and Associates no
20 longer exist?
21 A. I got out of the business.
22 Q. For what reason?
23 A. Personal.
24 Q. Could you respond beyond that?
25 MR. KOFSKY: Once again,

Page 10
December 5, 2016

1 Nastasi
2 objection as to realize. You could
3 answer.
4 A. I didn't want to be in the business
5 anymore.
6 Q. Did you retire or did you enter
7 some other type of business?
8 A. I retired from that business.
9 MR. KOFSKY: Objection as to
10 the form.
11 Q. You retired from that business you
12 said?
13 A. Yes.
14 Q. Did you enter any other type of
15 business after shutting down Nastasi and
16 Associates?
17 A. Could you be more specific?
18 Q. Is there any other type of work
19 that you started doing either before or after
20 you shut down Nastasi and Associates?
21 MR. KOFSKY: Objection as to
22 form.
23 Q. Were you involved in any other
24 business while you were the president of Nastasi
25 and Associates?